

AN ORDINANCE **98697**

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE,
OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY
CHANGING REFERENCES TO CERTAIN DEPARTMENT
DIRECTOR POSITIONS TO REFLECT DEPARTMENT
REORGANIZATION AND ESTABLISHMENT OF A "ONE
STOP SHOP" FOR DEVELOPMENT SERVICES.**

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WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

WHEREAS, it was anticipated that a reorganization of City Departments would be necessary to implement a "One Stop" center for development services provided by the City and such reorganization has occurred; and

WHEREAS, the Unified Development Code Technical Advisory Committee has recommended approval of these amendments to the UDC; and

WHEREAS, the Zoning Commission has recommended approval of those amendments pertaining to zoning issues; and

WHEREAS, the Planning Commission has recommended approval of those amendments pertaining to planning issues; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services as follows:

Chapter 35, Article I, Section 35-111(b) is amended as follows:

35-111 *Annual Updates for Amendments*

- (b) The Director shall ~~not receive requests for amendments after July 1st~~ ~~receive the proposed amendments within the 60 days preceding September 1st~~ ~~and shall not receive them after September 1st~~. The Director shall refer the proposed amendments to various City departments, land development service committee, the planning commission, the zoning commission and the City Council. The Director may conduct workshops to informally discuss the Annual Update Requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.

Chapter 35, Article III, Section 35-331(a)(4) is amended follows, save and except provisions regarding the Director of Planning/Planning Department:

35-331 *Airport Hazard Overlay District (AHOD)*

(a) *Development Standards*

(4) *Variances*

Any person desiring to erect or increase the height of any structure or permit any natural growth or use his property, not in accordance with the regulations prescribed in this division, shall apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this division. Applications for such action by the board of adjustment shall be made to the Director of Development Services ~~director of the department of building inspections~~ if inside the City of San Antonio, or the director of planning if in the city's extra-territorial jurisdiction.

Chapter 35, Article III, Sections 35-335(d)(1)C, 35-335(d)(2), and Sections 35-335(f)(1) and (2) are amended follows, save and except provisions regarding the Director of Planning/Planning Department:

35-335 *Neighborhood Conservation District (NCD)*

(d) *Initiation Procedures*

- (1) A zoning change application for designation as a Neighborhood Conservation District shall be initiated at the direction of the:
 - A. request of owners representing 51% of the land area within the proposed district, or
 - B. request of 51% of property owners within the proposed district, or
 - C. Director of Planning, pursuant to a Neighborhood or Community Plan adopted by City Council, or City or community revitalization program.
- (2) Following initiation for designation of a Neighborhood Conservation District, the Planning Department shall develop a Neighborhood Conservation Plan for the proposed district that includes:

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(f) *Neighborhood Ordinance Administration*

- (1) No building permit shall be issued by the Department of Development Services ~~Building Inspections~~ for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Compliance by the Director of Development Services ~~Building Inspections~~.
- (2) The Director of Development Services ~~Building Inspections~~ shall forward a copy of a building permit application to the Director of Planning for review and comment.

Chapter 35, Article III, Section 35-344(f)(4) is amended as follows:

35-344 *Planned Unit Development District ("PUD")*

(f) *Infrastructure Requirements*

(4) *Garbage collection.*

If in the opinion of the Director of Environmental Services ~~director of public works~~, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the Director of Environmental Services ~~director of public works~~. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the director of finance.

Chapter 35, Article III, Sections 35-345(e)(1) and 35-345(l) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-345 *Master Planned Community Districts ("MPCD")*

(e) *Amendments to "MPCD" Master Site Plan*

(1) Revisions to a previously approved "MPCD" Master Site Plan shall be classified as minor or major changes. An application for a major or minor change to "MPCD" Site Plan shall be subject to Section 35-412(c) **Completeness Review** provisions of this Chapter. Within five (5) working days after filing the proposed revisions, required items and information, the Director of Planning shall provide a written response indicating whether or not the submitted revised "MPCD" Site Plan has been accepted as a minor or major revision. If it is determined by the Director of Planning that the revised submittal is considered a minor change then said submittal shall be processed by the Director of Planning and shall not require review by the Zoning Commission or approval by the City Council. The Applicant may appeal a conditional acceptance by the Director of Planning using the same process as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section. If it is determined by the Director of Planning that the proposed revision is a major change then said proposed major revisions shall be processed in the same manner as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section.

(I) Business Park Uses Performance Standards

Upon application for a certificate of occupancy for any use in a business park district, the Director of Development Services ~~director of building inspections~~ may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of planning shall provide verification of the proposed use(s) upon request from the Director of Development Services ~~director of building inspections~~.

Chapter 35, Article III, Sections 35-390(c) and 35-390(e) are amended as follows:

35-390 Sanitary landfills, solid waste facilities.

(c) Buffering

A thirty (30) foot greenbelt shall be established and maintained adjacent to the fence along the site perimeter. The greenbelt shall be established prior to issuance of a certificate of occupancy and shall include, as a minimum, the following number of plants per one hundred (100) linear feet of greenbelt: Five (5) canopy trees, and fifteen (15) shrubs.

Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by section 35-3168, "Buffering techniques," and shall consist of native or naturalized low maintenance species. Once the zoning is approved by the city council, the applicant shall submit three (3) copies of a greenbelt plan, drawn to scale, to the Director of Environmental Services ~~director of parks and recreation~~ for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

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The Director of Environmental Services ~~director of parks and recreation~~ shall approve or disapprove the plan within twenty (20) working days of submittal. If approved, a copy of the plan shall be forwarded to the Director of Development Services ~~director of parks and recreation~~ for use in issuing the certificate of occupancy.

(e) Monitoring System

A monitoring system approved by the Director of Environmental Services ~~director of environmental management~~ shall be installed to detect any lateral migration of methane and other decomposition gases.

Chapter 35, Article IV, Sections 35-402(b)(2) and 35-402(c) are amended as follows:

35-402 Completeness Review

(b) Application Materials

- (2) Current application materials shall be made available in the applicable Planning Department Offices. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this Chapter or statute. The Director may establish a schedule for filing any Application requiring action by the Planning Commission, Zoning Commission, ~~Historic and Design Review Commission~~, or the City Council, while the Director of Planning may establish a schedule for filing any Application requiring action by the Historic and Design Review Commission. ~~Such~~ which schedule shall provide adequate time for notice and/or publication consistent with the applicable state statutes and this Chapter. Completed applications shall be filed according to any published schedule of the applicable Planning Department.

(c) Review Procedures

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(1) Jurisdiction

- A. All applications for approval of a Development Order or a Permit shall be reviewed by the applicable Director for completeness.
- B. All decisions of the applicable Director or other administrative official pertaining to completeness may be appealed to (1) the Board of Adjustment, in the case of a zoning Application (Article IV, Division 3 of this Chapter) (see § 35-481 of this Chapter), (2) the Historic and Design Review Commission, in the case of a Certificate of Appropriateness, or (3) the Planning Commission for all other Applications.

(2) Time Limits Triggered by Complete Application

Whenever this Article establishes a time period for processing of an application by the City, such time period shall not commence until the applicable Director has reviewed such application for completeness in order to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in such application. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of this Chapter.

(3) Review By Applicable Director and Appeal – Default Procedure

- A. (1) Unless a different procedure is described in this Article, the provisions of this subsection shall apply to the review of an Application for completeness.
- B. (2) Not later than five (5) working days after the applicable Director has received an Application, the applicable Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the Applicant. If the written determination is not made within five (5) days after receipt of the application, the application shall be deemed complete for purposes of this Chapter. Upon receipt of any resubmittal of the application, a new 5-day period shall begin, during which period the applicable Director shall determine the completeness of the application. If the application is determined not to be complete, the applicable Director's determination shall specify

those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the applicable Director in response to the list and description.

C. (3) If the Application together with the submitted materials are determined not to be complete, the Applicant may appeal that decision in writing to the Appellate Agency. The Appellate Agency shall render a final written determination on the appeal not later than the next available meeting after receipt of the applicant's written appeal. Notwithstanding a decision by the applicable Director that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 5-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

D. (4) Nothing in this section precludes an Applicant and the applicable Director from mutually agreeing to an extension of any time limit provided by this section.

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(5) Limitation on Further Information Requests

After the applicable Director accepts an application as complete or following a determination by the Appellate Agency that the Application is complete, the applicable Director or the reviewing agency shall not subsequently request of an applicant any new or additional information which was not specified in Appendix B. The applicable Director or the reviewing agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

The provisions of this subsection shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which the reviewing may require in order to take final action on the application. Prior to accepting an application, the applicable Director shall inform the applicant of any information included in Appendix B that ~~which~~ will subsequently be required from the applicant in order to complete final action on the application.

Chapter 35, Article IV, Sections 35-404(c), 35-404(e)(2), and 35-404(g) are amended as follows:

35-404 Public Hearings Procedures

(c) Records

The Director of Development Services shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the item being considered, and shall include a summary of the considerations and the action of the Planning Commission and Zoning Commission, while the Director of Planning shall provide the same for ~~and/or~~ the Historic and Design Review Commission.

(e) Quasi-Judicial Public Hearings Procedures

(2) Conduct of Hearing

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- A. The applicable Director or appropriate staff member shall present a description of the proposed development and a written or oral recommendation.

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- D. The applicable Director or other staff member may respond to any statement made by the applicant or any public comment;

(g) Record Of Proceedings

The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with state law. Such record shall be provided at the request of any person upon application to the applicable Director and payment of a fee set by the City Council to cover the cost of duplication of the transcribed record.

Chapter 35, Article IV, Section 35-405(a)(1) is amended as follows:

35-405 Post-Decision Proceedings (See also Division 10 of this Article)

(a) Appeal to Board of Adjustment

(1) Applicability

Any person, including any officer or agency of the City, aggrieved by a final decision relating to a development permit or administrative development approval by the applicable Director or final decision-maker may appeal such final determination to the appellate body designated by this Chapter, in the manner provided in this Section.

Chapter 35, Article IV, Section 35-406(a) is amended as follows:

35-406 Revocation Of Permit Or Approval

(a) Initiation

The Department of Code Compliance shall investigate alleged violations of imposed condition or conditions. The results of any investigation shall be brought to the attention of the Director of Development Services ~~Director of Building Inspections~~ who shall make a determination whether or not to terminate or suspend (for a specific period) the permit. Should the Director of Development Services ~~Director of Building Inspections~~ determine that a termination, or suspension, of a permit, is appropriate, a recommendation, including ~~including~~ the reason(s) for the ~~his~~ determination, shall be made to the Board of Adjustment who shall conduct a public hearing on the matter.

Chapter 35, Article IV, Sections 35-412(c), 35-412(d)(1), 35-412(d)(2), 35-412(e), 35-412(g)(1), 35-412(h)(2), and 35-412(i) are amended as follows save and except provisions regarding the Director of Planning/Planning Department:

35-412 *Master Development Plan*

(c) *Completeness Review*

Completeness Review shall be governed by this section and § 35-402, to the extent not inconsistent with this section. The Director of Planning shall provide a written response indicating whether or not the Master Development Plan is complete within five (5) working days after submittal. The applicant shall file a written response to any staff comments or resolve outstanding issues prior to final approval. This response shall occur within thirty (30) days of the mailing date of staff comments unless a time extension is requested and granted in writing. The maximum limit on an extension is six (6) months from the original staff comment date. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Planning Commission.

(d) *Decision*

(1) *Type of Decision*

Within thirty (30) days after/ certification that the application is complete, the Director of Planning shall render his decision approving, denying, or approving the application with conditions. The decision of the Director of Planning shall be considered a ministerial process (see § 35-401(b)(3) of this Article).

(2) *Appeal*

The Planning Commission is hereby granted jurisdiction to consider an appeal by an applicant and to affirm or to reverse, in whole or in part, the decision of the Director of Planning based on any error in an order, requirement, decision, or determination made by the Director of Planning in approving, denying, or attaching a condition to the Master Development Plan.

A notice of appeal shall be submitted within thirty (30) working days following receipt of a written denial by the Planning Director. A Notice of Appeal shall be in writing and shall provide a chronological listing of the dates and meetings held during the course of consideration of the Master Development Plan. In addition the notice must outline in writing the specific justifications supporting the appeal. In considering the appeal the Planning Commission shall not waive any of the standards or regulations set forth in this Chapter.

(e) *Approval Criteria*

No Master Development Plan shall be approved unless it conforms to all applicable requirements of Article 5 of this Chapter. The Planning Director must approve a Master Development Plan that is required to be prepared under this Section and that satisfies all applicable regulations.

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(g) Amendments

(1) Classification

Amendments to a previously approved plan shall be classified as a minor or major revision. Minor amendments may be administratively accepted and will not be subject to review by City agencies and departments. Within twenty (20) working days after filing of the proposed amendments, required items and information, the Director of Planning shall provide a written response indicating whether or not the revised Master Development Plan has been accepted as a minor or major amendment.

(h) Scope Of Approval

(2) Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved Master Development Plan and any conditions or restrictions attached thereto. Any deviation from the approved Master Development Plan unless approved in advance and in writing by the Planning Director, shall be deemed a violation of this Chapter.

(i) Recording Procedures

The Master Development Plan shall be maintained in the permanent files of the Director of Planning and shall be conformed to in processing any Application for rezoning, Traffic Impact Analysis (TIAs), subdivision plats (minor and major), PUD Plans and/or Utility Master Plans.

Chapter 35, Article IV, Sections 35-420(b)(1), 35-420(b)(3), 35-420(d)(2), 35-420(d)(3), 35-420(e)(3), 35-420(g)(1) and 35-420(g)(2) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-420 Comprehensive, Neighborhood, Community and Perimeter Plans

(b) Initiation

(1) Generally

The planning process shall be initiated by the Director of Planning.

(3) Planning Team

The Planning Director shall appoint the members of the Planning Team. The Planning Team shall execute a Memorandum of Understanding which outlines each group's responsibilities and a Work Program which outlines timelines for plan development. The Planning Team shall include to the extent practicable a cross section of the land area to be included in the Plan, including but not limited to, residents (both renters and owners), business persons (both renters and owners), property owners of developed and unimproved properties, and institutional organizations such as school districts and churches. It is recognized that the composition of the Planning Team shall vary among the neighborhoods according to the land use and development character of each planning area.

(d) Decision

(2) Planning Commission

The Planning Commission, after public notice in accordance with VTCA Local Government Code § 219.003 shall hold at least one public hearing on such application and as a result thereof shall transmit its report to the City Council. A public hearing shall be conducted and a recommendation shall be submitted by the Planning Commission in accordance with the requirements of V.T.C.A. Local Government Code § 219.003. Following a briefing from the Director of Planning and consideration of public comments, the Planning Commission shall recommend to the City Council approval of the Plan, disapproval of the Plan, or approval with changes as necessary to comply with subsection (e) of this Section. Neighborhood Plans not acted on after two hearings before the Planning Commission shall at the discretion of the Director of Planning be forwarded to the City Council for consideration without a recommendation by the Commission.

(3) City Council

The City Council shall consider the proposed Plan at a legislative hearing (see § 35-404(d), above). Following a briefing from the Planning Director, review of the recommendations of the Planning Commission, and consideration of public comments, the City Council shall approve the Plan or disapprove the Plan. The City Council may overrule a disapproval of the proposed Plan by the Planning Commission.

(e) Approval Criteria

(3) Planning Process

The Planning Commission shall also evaluate the planning process to determine if the following criteria are met:

Meetings were open to the public;
Schedules and planning teams were approved by the Planning Director;
Appropriate departments, boards, commissions reviewed the plan; and
That proper notification was given to nonresidential property owners and the owners of undeveloped property.

(g) Monitoring and Amendments

(1) Urban Indicators and Report

Urban indicators shall be developed as each Neighborhood, Community, and Perimeter Plan is produced. Urban indicators are qualitative or quantitative measures that assess progress towards the goals identified in the Plan. A report to measure the success of plan implementation shall be prepared every two years, based on the urban indicators found in each specific plan, by a Coordinating Group appointed by the Planning Director consistent with the criteria established in subsection (b)(2), above, in order to implement the plan. The Planning Director shall distribute the report to the City Council and City Departments. The report shall not constitute a Plan

amendment, but shall be considered in updating and amending the Plan pursuant to subsection (2), below.

(2) Amendments Required

Each Plan shall be subject to continuing evaluation and review by the Planning Director and the Planning Commission. The Planning Director shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered. The Plan shall be reviewed by the planning commission at least once every five (5) years and if necessary amended by the City Council. If the review is not performed, any property owner in the planning area may file a petition with the Planning Director to amend the plan. If the Planning Director finds that the review has not been performed, he shall initiate the referenced public participation program regarding the proposed amendment and may set a schedule or deadline for the completion of the review. If the Plan is not updated pursuant to a petition filed pursuant to this subsection, then subsection (h) shall not apply until such time as the Plan is updated.

Chapter 35, Article IV, Section 35-421(b)(3) is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-421 Zoning Amendments

(b) Initiation

- (3) The Planning Director pursuant to an Annexation Service Plan or the Director of Development Services to correct an administrative error in the rezoning of a tract of land pursuant to this Chapter.

Chapter 35, Article IV, Sections 35-424(a)(2), 35-424(g)(2), 35-424(g)(4), 35-424(g)(6), 35-424(g)(8) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-424 Ministerial Permits or Approvals

(a) Generally (Building Permits)

(2) Initiation

The Applicant shall file a complete application for a Building Permit with the ~~Building~~ Director of Development Services on a form prescribed by the Department of Development Services ~~Building Inspections~~. If Master Development Plan review is required in accordance with § 35-412 or 35-413 of this Chapter, the approved Master Development Plan shall be submitted with the application for a building permit. An application for a Master Development Plan is available from the Planning Department. If the proposed development or development activity is not subject to Master Development Plan review, the Building Permit application shall include the information required by Appendix B to this Chapter. The ~~Building~~ Director of Development Services shall assist the applicant in determining which materials are required for a

submittal. Building permit applications are required and available from the Department of Development Services ~~Building Inspections~~.

(g) Manufactured Home Park Plan

(2) Initiation

Each applicant seeking approval of a manufactured home park shall submit a Manufactured Home Park Plan to the director of planning. The Manufactured Home Park Plan shall not be accepted unless it contains the information required by Appendix B to this Chapter.

(4) Decision

Upon receipt of a manufactured home park plan, the director of planning shall distribute copies to various city departments and agencies as the director deems appropriate for their review. The departments/agencies receiving copies of the plan shall submit their comments and recommendations for approval or disapproval in writing back to the director of planning within thirty (30) days of receipt of the plan.

Within forty-five (45) days of the date of submission of the manufactured home park plan, the director of planning shall submit the plan with his recommendation and comments received from other city departments and agencies to the planning commission for consideration. The planning commission may approve the plan as submitted, amend and approve the plan as amended or disapprove the plan.

(6) Amendments

After favorable action by the planning commission, minor changes to the plan that do not increase the density or affect platting, the general character or overall design of the manufactured home park plan may be approved by the director of planning. Major changes shall be submitted for consideration by the planning commission following the same procedure required for the original adoption of the plan. The planning commission shall interpret what constitutes a major change in the plan.

(8) Recording Procedures

If the manufactured home park plan is approved, the director of planning shall retain one copy on file in the planning department and distribute one copy to the Director of Development Services ~~director of building inspections~~ and other departments/agencies as appropriate.

Chapter 35, Article IV, Section 35-430(d) is amended as follows:

35-430 Applicability & General Rules

(d) Certificate of Determination [Reference: VTCA Local Gov't Code § 212.0115]

On the written request of an owner of land, an entity that provides utility service, or the City Council, the ~~Planning~~ Director of Development Services shall make the following determinations

regarding the owner's land or the land in which the entity or City Council is interested that is located within the jurisdiction of the City:

whether a plat is required under this Division for the land; and

if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the ~~Planning~~ Director of Development Services.

The request made under this Subsection must identify the land that is the subject of the request. If the ~~Planning~~ Director of Development Services determines under this Subsection that a plat is not required, the ~~Planning~~ Director of Development Services shall issue to the requesting party a written certification of that determination. If the ~~Planning~~ Director of Development Services determines that a plat is required and that the plat has been prepared and has been reviewed and approved, the ~~Planning~~ Director shall issue to the requesting party a written certification of that determination. The ~~Planning~~ Director of Development Services shall make a determination within 20 days after the date the request is received under this Subsection and shall issue the certificate, if appropriate, within 10 days after the date the determination is made. For purposes of this subsection, the term ~~Planning~~ Director of Development Services shall mean the Director of Development Services in the case of an application for a building permit, or the utility provider in the case of an application for utility service. The City Council hereby delegates the ability to perform the responsibilities under this subsection to the Director of Development Services or the applicable utility provider Authority. A binding decision regarding subdivisions by of the Director Authority under this subsection is appealable to the Planning Commission. A binding decision regarding building permits by the Director or utility service by the applicable utility under this subsection is appealable to the Board of Adjustment.

Chapter 35, Article IV, Section 35-432(i)(2) is amended as follows:

35-432 *Procedures for Subdivision Plat Approval*

(i) *Recording Procedures*

(2) *Recordation.*

The Director of Development Services ~~director of planning~~ shall file for record an approved plat in the deed and plat records of the county within which the plat is located, provided the property owner consents in writing and the plat meets one of the following conditions:

No site improvements are required.

All required site improvements have been completed and accepted by the Director of Development Services ~~director of public works~~.

A performance agreement and a guarantee of performance as described in § 35-436 have ~~has~~ been filed with the city clerk.

All required impact fees have been paid.

Chapter 35, Article IV, Section 35-435(b)(1) is amended as follows:

35-435 Subdivision Plat Variances

(b) Administrative Exceptions

(1) Applicability

The Director of Development Services ~~Public Works~~ may grant an administrative exception from the requirements of Article 5 of this Code as provided in 35-501.

Chapter 35, Article IV, Sections 35-436(a), 35-436(b), and 35-436(c), and 35-436(d) are amended as follows:

35-436 Performance Agreement

(a) Guarantee of performance

As is provided for in § 35-432(i), an approved plat may be filed for record before the required site improvements are completed if one of the following guarantees of performance is filed with the city clerk within three (3) years after the plat has been approved by the planning commission: a performance bond, a trust agreement, a letter of credit, or a cash or cashier's check.

(1) Performance bond

A performance bond shall be executed by a surety company license to do business in the state in an amount equal to the cost estimate, as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unaccepted improvements required by these regulations (other than gas and electric lines), with the condition that the subdivider shall complete such improvements and have them accepted by the Director of Development Services ~~director of public works~~ within three (3) years from the date of plat approval. A performance bond shall be substantially in the same form as the Form H set out in Exhibit B, § 35-B120(f). The Director of Development Services ~~director of public works~~ is authorized to sign the bond instrument on behalf of the city and the city attorney shall approve the same as to form.

(2) Trust agreement.

The subdivider shall cause to be placed in a trust account on deposit in a bank or trust company or with a qualified escrow agent selected by the subdivider and approved by the Director of Development Services ~~director of public works~~ a sum of money equal to the cost estimate, as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The trust account shall be established by agreement which shall be substantially in the same form as Form J set out in Exhibit B, § 35-B120(f). The Director of Development Services ~~director of public works~~ is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(3) Letter of credit.

The subdivider shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The letter of credit, properly executed, shall be substantially in the same form as Form K set out in Exhibit B, § 35-B120(f). The Director of Development Services ~~director of public works~~ is authorized to sign the agreement on behalf of the city and the city attorney shall approve same as to form.

(4) *Cash or cashier's check.*

The subdivider shall provide to the city cash or a cashier's check in an amount equal to the cost estimate as approved by the Director of Development Services ~~director of public works~~, of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the director of public works, the amount will be refunded to the subdivider by the city.

(b) *Substituting Guarantees*

When a subdivider has given security in any of the forms hereinabove provided, and when fifty (50) percent of the required site improvements has been completed and has been accepted by the Director of Development Services ~~director of public works~~, or whenever any segment or segments of the required site improvements have been completed and have been accepted by the Director of Development Services ~~director of public works~~, the subdivider may substitute for the original guarantee, a new guarantee in an amount equal to the cost of the remaining site improvements. The cost estimate shall be approved by the Director of Development Services ~~director of public works~~. Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed in subsection (a). However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the subdivider as specified in the performance agreement.

(c) *Supplementary guarantees*

Supplementary guarantees may be required as follows:

(1) *Renewal*

One (1) year from the date of plat recordation, and annually thereafter until the expiration of the three (3) year period from the date of plat approval, the Director of Development Services ~~director of public works~~ shall review the estimated cost of completing such site improvements as are not then completed and determine the adequacy of the existing performance guarantee. Should the Director of Development Services ~~director~~ determine that the sum set out in the performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require a substitute guarantee to cover the newly estimated cost or a supplemental guarantee to cover the additional sum needed for completion.

(2) Performance Guarantee

If a subdivider submits an original performance guarantee after a period of two (2) years has elapsed from the date on which a plat was approved by the planning commission, the actual cost estimate of completing the uncompleted site improvements shall be increased by an amount, based upon a locally recognized construction cost index as approved by the Director of Development Services ~~director of public works~~, required to cover an estimated inflationary increase in the cost during the duration of the period covered by the performance guarantee.

(3) Failure to Provide Guarantee

Should the subdivider fail to provide the necessary additional of substitute guarantee within thirty (30) days of a request for same by the Director of Development Services ~~director of public works~~, the Director of Development Services ~~director of public works~~ shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision subsequently filed with the planning commission in which such subdivider has a principal or subsidiary interest.

(d) Release upon completion of site improvements

Upon completion of the required site improvements and acceptance by the director of public works, an instrument releasing the applicant from the provisions of the performance agreement shall be filed by the director of planning in the deed and plat records of the county within which the plat is located. Such release shall be substantially the same as Form L in Exhibit B, § 35-B120(f). If the necessary permits required to complete the site improvements (including, but not limited to, floodplain development permits) are denied by the City and are no longer required to serve the lots within the subdivision, the Director of Development Services ~~Public Works~~ shall approve and notify the City Clerk to release the performance agreement and guarantee as provided herein.

Chapter 35, Article IV, Sections 35-451(c) and 35-451(d) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-451 Certificate of Appropriateness

(c) Completeness Review.

The Planning Director shall review an application for a certificate of appropriateness in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

(d) Decision.

(1) Commission Review

The commission shall make its written recommendations within sixty (60) days after the historic preservation officer's receipt of the completed application, which shall include all required materials and documents, from the applicant. If the commission does not make its recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and a certificate showing the filing date and the failure to take action on the application within sixty (60) days shall be issued by the director of planning upon consultation with the historic preservation officer on the applicant's demand. The sixty-day time period may be extended with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. Such extension shall suspend the running of the sixty-day period within which the commission is required to make its recommendation.

(2) Planning Director Review

Upon receipt of the recommendation by the commission, the director of planning shall implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that his application has been approved, conditionally approved, or disapproved. He shall also submit a copy of his decision to the commission for its information, to the Department of Development Services ~~department of building inspections~~ for issuance of permits, and to other departments, as applicable. The director of planning shall base his decision on the same criteria considered by the commission in his determination as to issuance or denial of any certificate.

(3) Appeal

An applicant for a certificate may appeal the decision of the director of planning to the board of adjustment within thirty (30) days after receipt of notification of the director's action. The applicant shall be advised by the city clerk of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission, the report of the commission, and any other matters presented at the hearing on the appeal. If the board of adjustment approves the application, it shall direct the director of planning to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the director of planning not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the director of planning shall immediately advise the applicant and the commission in writing.

Chapter 35, Article IV, Sections 35-452(c) and 35-452(d) are amended as follows save and except provisions regarding the Director of Planning/Planning Department:

35-452 *Certificate of Appropriateness for Ordinary Repair and Maintenance*

(c) *Completeness Review.*

The Planning Director shall review an application for a certificate of appropriateness in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

(d) *Decision.*

Applications for ordinary repair and maintenance may be approved by the director of planning upon recommendation from the historic preservation officer. The decision may be appealed in the same manner as set forth in § 35-481.

Chapter 35, Article IV, Section 35-453(c) is amended as follows, save and except provisions regarding the Director of Planning:

35-453 *Permits affecting property recommended by the Historic Design and Review Commission for historic designation*

(c) *Completeness Review.*

The Planning Director shall review the application ~~for review~~ in accordance with § 35-402 of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

Chapter 35, Article IV, Section 35-455(c) is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-455 *Demolition Permit Applications*

(c) *Completeness Review.*

The Planning Director shall review the demolition permit application for completeness in accordance with § 35-451(c) of this Chapter. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Historic and Design Review Commission.

Chapter 35, Article IV, Section 35-475(h) is amended as follows:

35-475 *Site Plan in Military Airport Overlay District*

(h) *Scope Of Approval.*

One copy of the approved plan shall be submitted to the Director of Development Services ~~director of building inspections~~ for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary by other departments and agencies.

The construction of the proposed development shall be started within twelve (12) months of the effective date of approval of the site ~~plan by plan~~ by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer, extend the time one additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within two (2) years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the site plan, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.

Chapter 35, Article IV, Section 35-477(d)(3) is amended as follows:

35-477 *Tree Preservation Permits*

(d) *Decision*

(3) *Waiver for Sidewalks*

As provided by the Transportation Standards (sidewalks), the Director of Development Services ~~director of public works~~ may grant a waiver to the requirements in this section.

If an application is denied because it fails to meet the requirements of this Section, the city arborist will notify the applicant of such action and provide a written statement of the rationale for the denial.

Chapter 35, Article IV, Sections 35-494(d)(2) and 35-494(d)(3) are amended as follows:

35-494 *Enforcement of Subdivision Regulations*

(d) *Completion of Improvements*

(2) *Remedy*

If the construction of site improvements has been guaranteed by a form of security described in § 35-438 and such improvements have not been completed and accepted by the city within the time period prescribed by these regulations, the Director of Development Services ~~director of public works~~, after written notification has been given to the subdivider, shall take such action as may be required to cause payment to be made to the city of the amounts of money secured by a guarantee of performance. Such amounts of money shall be used by the Director of Development Services ~~director of public works~~ to finance the completion of the required improvements. In the event that the amounts of money referred to above are insufficient to finance the completion of the required improvements, the Director of Development Services ~~director of public works~~ shall so notify the subdivider in writing and shall require the subdivider either to complete the improvements without delay or to make available to the city the amount of money required to finance their completion. Should the subdivider fail to do either of the above and such failure is not due to strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond the subdivider's control, the Director of Development Services ~~director of public works~~ shall refer the matter to

the city attorney for such action as the city attorney may deem appropriate to compel the subdivider to comply with the provisions of the performance agreement entered into by the subdivider as a condition precedent to the approval of the plat by the planning commission, or to pursue any other remedy which may be available to the city. Further, until such time as the required site improvements have been completed and accepted by the city, the Director of Development Services ~~director of public works~~ shall refuse to accept from such subdivider a performance guarantee under any form which is related to the plat of a subdivision, subsequently filed with the planning commission, in which such subdivider has a principal or subsidiary interest. Such a plat, once it has been approved by the planning commission, may be recorded only in the manner prescribed in section 35-432(i)(1).

(3) Exemptions

The provisions of this section shall not apply if a subdivider is prevented from completing and having accepted such required site improvements within the prescribed time by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other cause similar to those enumerated beyond the subdivider's reasonable control. The subdivider shall be entitled to an extension of time equal to the time of such delay that ~~which~~ shall be fixed by written certificate made by the Director of Development Services ~~director of public works~~. It is expressly declared that no such allowance of time will be made unless claimed by the subdivider and allowed and certified in writing by the Director of Development Services ~~director of public works~~ at the end of each period of such delay.

Chapter 35, Article V, Sections 35-501(b)(1), 35-501(b)(2), and 35-501(c) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-501 General Provisions

(b) Administrative Exceptions

(1) To facilitate flexibility in design while maintaining the safety, health and welfare of the public, the Director of Development Services in consultation with the Director of Public Works may grant administrative exceptions to the following technical design requirements found in the following sections of Article V:

* * * * *

(2) No administrative exception shall be granted unless:

The Director of Planning certifies that the proposed exception does not conflict with the goals and policies of the Master Plan; and
The Applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety.

(c) Site improvements.

Streets, alleys, sidewalks and other site improvements required under the provisions of this chapter to be installed in subdivisions by the subdivider shall conform to the specification of this chapter and to the then current policies and regulations of the City of San Antonio ~~directors of public works~~, City Public Service, San Antonio Water System, or other approved utility districts or agencies involved with reference to payment for such installations, refunds, credits and other financial arrangements.

Chapter 35, Article V, Section 35-503(g)(4) is amended as follows:

35-503 *Parks/Open Space Standards*

(g) *Development Phasing*

- (4) The city shall authorize the developer to reserve park land for dedication in subsequent phases of the subdivision by executing an enforceable contract with the City. The contract shall be approved by the City Attorney and the city Director of Parks and Recreation. In addition, the developer shall dedicate a reversionary public access easement on the final plat of the proposed development where necessary to provide effective public access, maintenance and use of any parkland to be dedicated.

Chapter 35, Article V, Section 35-504(j)(2) is amended as follows:

35-504 *Storm Water Management*

(j) *Inlets and Openings*

(2) *Curb or Drop inlets.*

Where drop inlets are use, the city standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the Director of Development Services in consultation with the Director of Public Works. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on Street grades, deflections, cross slopes, depressions, etc.

Chapter 35, Article V, Section 35-506(c)(1) is amended as follows:

35-506 *Transportation and Street Design*

(c) *Classification*

(1) *Conventional Classification System*

Classification of an existing or proposed Street not already identified on the Major Thoroughfare Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Director of Development Services ~~Public Works~~. Pursuant to the Major Thoroughfare Plan, the following classification system is hereby adopted:

* * * * *

Chapter 35, Article V, Sections 35-506(d)(1), Tables 506-3 and 506-4, 35-506(d)(3), 35-506(d)(6), and 35-506(d)(10) are amended as follows:

35-506 *Transportation and Street Design*

(d) *Cross-Section and Construction Standards*

(1) *Interior Streets*

Table 506-3

Notes and Rules of Interpretation:

Table 506-3 is required for conventional option subdivisions (see § 35-202) or subdivisions not subject to Table 506-4, below), except for « Access to Conservation Subdivision », which apply only to Conservation Subdivisions (§ 35-203).

¹ For Secondary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 86' at the intersections as determined by the Director of Development Services Public Works.

² For Primary Arterial Type B right-of-ways designated on the Major Thoroughfare Plan, the required right-of-way will be a minimum of 70' with 120' at the intersections as determined by the Director of Development Services Public Works.

³ See Figure 506-2.

⁴ 0.4% Optional with concrete curb and gutter.

⁵ Bike path and sidewalks can be combined. See section 35-506(d)(4).

⁶ When designated on bicycle master plan as approved by City Council

⁷ Entry portion without parking

⁸ Right-of-Way and pavement width widths requirements in established neighborhoods can be waived by the Director of Development Services Public Works as required on Capital Improvement Projects.

Table 506-4

Notes and Rules of Interpretation:

Table 506-4 applies only to the following development options: Commercial Center (§ 35-204), Commercial Retrofit (§ 35-206), Traditional Neighborhood Development (§ 35-207), and Transit-Oriented Development (§ 35-208), except as provided in footnote 5, below.

¹ See Table 506-4A below. The smaller street width with on-street parking prohibited, or the larger street width coupled with on-street parking on one or both sides of the street, may be provided if the adjoining buildings are provided with (1) an NFPA 13D fire sprinkler system ~~for in the case of~~ Single-Family Dwelling Units, One Family Attached Dwelling Units, Two-Family (Duplex) Dwelling Units, Two-Family Attached Dwelling Units; (2) an NFPA 13R fire sprinkler system for Multi Family buildings; or (3) an NFPA 13 fire sprinkler system for Commercial Building.

² Lesser radius can be approved by the Director of Development Services Public Works.

³ Bike path and sidewalks can be combined. See section 35-506(d)(4).

⁴ Optional 0.4% with curb and gutter.

⁵ Any provision in Table 506-3 (entitled "conventional street design standards") notwithstanding, interior streets in a subdivision that would otherwise be required to comply with the provisions of Table 506-3 may instead comply with the provisions of Table 506-4 (entitled "traditional street design standards"), regarding pavement width requirements only, provided that the connectivity ratio (see subsection (e), below and § 35-207(g) of this Chapter) shall comply with the requirements for a Traditional Neighborhood Development. The proposed development shall comply with footnote 1 hereto. Pursuant hereto, street types in such subdivisions shall comply with Table 506-4 as follows: An Alley shall be required to meet the street width standards for an Alley as provided in Table 506-4; a Conservation Access street shall be required to meet the street width standards for a Lane; a Local Type A street shall be required to meet the street width standards for a Street; a Local Type B street shall be required to meet the street width standards for an Avenue; a Collector street shall be required to meet the street width standards for a Main Street; a Secondary Arterial shall be required to meet the street width standards for a Boulevard; and Primary Arterial shall be required to meet the street width standards for a Parkway.

(3) *Grade*

Street and alley grades shall conform to the terrain and shall not exceed the values prescribed in Tables 506-3 and 506-4, above. No Street or alley grade shall be less than five-tenths of one percent (0.005) or four-tenth of one percent (0.004) if curb and gutter is provided, unless

otherwise specified by the Director of Development Services ~~Public Works~~. The minimum cross-slope of a road shall be 2% and the maximum shall be 4%.

(6) Cul-de-sac Streets

- A. In the C, RE, and R-20, zoning districts Cul-de-sac Streets over one thousand (1000) feet in length may be permitted subject to approval by the Director of Development Services ~~Public Works~~ after consultation with the Fire Chief or his designee. No such approval shall be granted unless the Director of Development Services ~~Public Works~~ finds the following:

* * * * *

(10) Curbs and Pavement

Curbs shall be required on both sides of all interior Streets. Curbs and pavement are required on the development side of all adjacent Streets except:

- A. When the Director of Development Services ~~Public Works~~ determines that the curbs will interfere with or disrupt drainage.
- B. When the Director of Development Services ~~Public Works~~ determines that public construction that ~~which~~ would require curb ~~curbs~~ replacement will take place on the Street within three (3) years.
- C. On local type A Streets in single-family or two-family residential subdivisions within the RP and RE zoning districts.
- D. On Streets in residential subdivisions where no adjacent lots are platted if approved by the Director of Development Services ~~Public Works~~, such as Streets adjacent to walls or drainage ways.
- E. Where the Director of Development Services ~~Public Works~~ determines that preservation of trees warrants the elimination, reduction in width, or modification to the curb requirements in accordance with the Tree Preservation Standards.

Chapter 35, Article V, Sections 35-506(i)(2) and 35-506(i)(3) are amended as follows:

35-506 Transportation and Street Design

(i) Street Lights

(2) In subdivisions within the RP or RE zoning districts, or in the ETJ and proposing densities which do not exceed one (1) dwelling unit per acre, the Director of Development Services ~~Public Works~~ may waive the requirement for street lights for public street intersections or midblock areas where he finds that the area does not require such lighting for safe pedestrian or vehicular traffic

(3) The subdivider shall contract with the city through the department of public works for payment of all costs associated with the engineering and installation of Street lighting. Such contracts must be executed prior to issuance of a letter of certification by the department of public works. Full payment for all costs must be made prior to the recordation of the plat. A

copy of the current schedule of costs to the city of labor and materials associated with the engineering and installation of street lighting shall be filed by the Director of Development Services ~~Public Works~~ with the city clerk and be available for public inspection. New schedules shall be filed whenever there is an increase in costs.

Chapter 35, Article V, Section 35-506(j)(3) is amended as follows:

35-506 *Transportation and Street Design*

(j) *Private Streets*

(3) *Certification*

Upon completion of construction, the Director of Development Services ~~Public Works~~ shall be provided with written a certification signed by a licensed professional engineer certifying that the private Streets and sidewalks (as applicable) were designed and installed as required by the provisions of this Chapter.

Chapter 35, Article V, Section 35-506(l)(1) is amended as follows:

35-506 *Transportation and Street Design*

(l) *Horizontal curvature*

(1) *Conventional Design*

Horizontal centerline curvature shall be provided by simple circular curves with a constant radius for the safety and comfort of motorists. The minimum and maximum radii designated in this section, Tables 506-3, 506-4, 506-4A, and 506-4B, shall be used in designating horizontal curves. "Broken-back", compound curves, reverse curves shall not be permitted. A minimum fifty (50) foot tangent length is required between curves on local A and B streets. A minimum of one-hundred (100) foot tangent length is required between curves on collector and arterial streets. Superelevation may be used on arterial Streets with the approval of the Director of Development Services in consultation with the Director of Public Works.

Chapter 35, Article V, Section 35-506(n)(2) and Figure 506-7, Note 3 are amended as follows:

35-506 *Transportation and Street Design*

(n) *Medians*

(2) *Special purpose medians.*

Dividers constructed for aesthetic purposes such as entrances for subdivisions or landscaping shall be permitted. The minimum width for such dividers is fourteen (14) feet with minimum eighteen (18) feet of pavement width on either side of the median. The divider shall maintain the full width for a minimum twenty-five (25) feet after which an appropriate transition shall be provided in accordance with standards for pavement and median transition (Subsection (m),

above). The twenty-five (25) feet shall be measured from the edge of pavement of the ultimate width of the intersecting roadway. The nose or rounded portion of the divider shall be placed two (2) feet off the edge of the traveled roadway of the intersecting Street unless the turning radius of vehicular traffic indicates other modifications to the median nose are required. No signs, walls or fences, trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance (See Figure 506-7). The median design and exceptions to pavement width adjacent to the median must be approved by the Director of Development Services in consultation with the Director of Public Works.

Figure 506-7 (Omitted)

Note 3. Divider shall be constructed with the materials specified by the Director of Development Services ~~Public Works~~.

Landscaping shall be in accordance with current Landscaping Standards (§ 35-511). In addition, appropriate maintenance agreements shall be made with the Director of Development Services ~~director of parks and recreation~~.

Chapter 35, Article V, Section 35-506(p)(6) is amended as follows:

35-506 *Transportation and Street Design*

(p) *Pavement Standards*

(6) *Pavement layer material*

Alternative pavement materials may be used where the existing soil or subsurface conditions, or the alternative materials, provide a level of driveability comparable to the materials otherwise required by this Section. Proposals for alternative pavement materials with supporting engineering documentation may be submitted to the city for consideration for use. The combination of the following materials will be allowed for pavement structure:

- A. Lime treatment for subgrade.
- B. Flexible base.
- C. Prime coat.
- D. Tack coat.
- E. Hot mix asphaltic concrete pavement.
- F. Asphalt treated base.
- G. Reinforced concrete.
- H. Base reinforcement (Geogrids).

The Director of Development Services in consultation with the Director of Public Works in accordance with the standards provided herein must approve the pavement combination.

Chapter 35, Article V, Sections 35-506(q)(2)B, 35-506(q)(2)C, 35-506(q)(2)E, 35-506(q)(2)F and 35-506(q)(7) are amended as follows:

35-506 *Transportation and Street Design*

(q) Sidewalk Standards

(2) Sidewalk exceptions

- B. When the Director of Development Services ~~Public Works~~ determines that the sidewalks will interfere with or disrupt drainage.
- C. When the Director of Development Services ~~Public Works~~ determines that public construction which would require sidewalk replacement will take place on the Street within three (3) years.
- E. On Streets in residential subdivisions where no adjacent lots are platted if approved by the Director of Development Services ~~Public Works~~, such as Streets adjacent to walls or drainage ways.
- F. Where the Director of Development Services ~~Public Works~~ determines that preservation of trees warrants the elimination, reduction in width, or modification to the sidewalk and curb requirements in accordance with the Tree Preservation Standards.

(7) Continuity

Sidewalks shall not be installed in such a manner that they conflict with or are obstructed by power lines, telephone poles, fire hydrants, traffic/Street signs, mail boxes, trees, buildings, barriers, light poles, or any other structure. The grades of sidewalks shall be such that changes of grades greater than ten percent (10%) are not encountered within blocks. When there is an existing or anticipated obstruction, the sidewalk shall be installed around the object and shall provide the required sidewalk width. When utility layouts are required as part of a plat, the location and extent of sidewalks within the subdivision shall be shown on the utility layout and shall be subject to the approval of the Director of Development Services in consultation with the Director of Public Works and the utility agencies.

Chapter 35, Article V, Sections 35-506(r)(2), 35-506(r)(4), 35-506(r)(5), 35-506(r)(6), and 35-506(r)(10) are amended as follows:

35-506 Transportation and Street Design

(r) Access and Driveways

(2) Single-Family Residential Subdivisions

Where a subdivision abuts a major thoroughfare, lots for single-family residential use in the ETJ or in residential zoning districts shall not front on the thoroughfare, the sole exception shall be lots greater than one (1) acre in size which provide for permanent vehicular turn around on the lot to prevent backing onto the thoroughfare and this restriction should be noted on the plat. Access points which would permit vehicular access to such lots less than one acre in size from the thoroughfare shall be prohibited. However, if conditions are such that vehicular access to such lots cannot be provided other than from the collector or arterial street, the Director of

Development Services ~~Public Works~~ may permit the creation of a marginal access street or easement to serve two (2) or more lots. The marginal access street or easement shall be designed to permit entry to the thoroughfare without requiring a motorist to execute a backing maneuver. Marginal access streets or easements shall be included on the subdivision plat.

(4) Additional Access Points

The Director of Development Services ~~Public Works~~ (or the Texas Department of Transportation, or county authority, if appropriate) is authorized to permit additional access points under the following conditions: (A) the additional land; and access points are necessary to ensure the property owner beneficial use of the land; and (B) the resulting additional ingress and egress of vehicles will not seriously disrupt the flow of traffic on the thoroughfare.

(5) Location of Access Points

The specific location of access points will be determined by the Director of Development Services ~~Public Works~~ (or by the Texas Department of Transportation or county authority, if appropriate) at such time as a site plan is reviewed prior to the issuance of a building permit. The location shall be based on the following criteria: (A) the location shall minimize conflicts with vehicle turning movements; (B) the location shall be located as far as practicable from intersections; and (C) the location shall be not less than fifty (50) feet from another driveway location. If this standard is not possible, based upon the frontage of the property, the location shall be directed as far as practicable from the other driveway locations. Driveways along an arterial within 400 feet of a major intersection, such as the intersection of two arterial streets or the intersection of a collector and an arterial street, may be restricted to right turn movements.

(6) Driveway Throat or Vehicle Storage Length

For purposes of this Subsection, "Throat Length" means the length of extending from the entry into the site to the first left-turn conflict or intersection with a parking aisle. Vehicle Storage Length means the length of a driveway, service lane, bay, or other passageway for motor vehicles which is designed to minimize queuing onto surrounding Streets. Throat Length shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat Length and Vehicle Storage Length shall not be less than the standards set forth in Table 506-7 unless approved by the Director of Development Services ~~Public Works~~. These measures generally are acceptable for the principle access to a property and are not intended for minor driveways.

(10) Driveway Approaches

Driveway approach materials may be asphalt, concrete or other materials as approved by the Director of Development Services ~~Public Works~~.

Chapter 35, Article V, Section 35-512(b) is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-512 Streetscape Planting Standards

(b) Minimum Requirements

(1) (3) Options

* * * * *

(2) (4) In no instance for the Options established in subsections (b)(1)A, (b)(1)B, and (b)(1)C ~~subsection (b)(2)A, (b)(2)B, and (b)(2)C~~ shall the distance between Street Trees exceed one hundred feet (100') on center. Street Trees shall be planted in an even, linear spacing. If shifts to the linear spacing not exceeding two (2') feet are required due to the location of existing infrastructure, development or required sight distance, these shifts may be approved by the Director of Development Services ~~Public Works~~.

(3) (5) Preservation of existing trees to meet this requirement is not only permissible, but is recommended. A 15-foot existing vegetation buffer along the right-of-way line is required for this option. Waivers for spacing and alignment may be given in order for existing trees to meet the street tree requirement.

Chapter 35, Article V, Section 35-523(e)(10) is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-523 Tree Preservation

(e) Minimum tree preservation requirements

(10) Historic Trees

In order to protect historic trees, as defined, the city arborist shall defer the approval of tree preservation plans to review by the director of planning who shall seek the advice of the historic design and review commission, in instances where a historic tree(s) is proposed to be removed. The commission may recommend additional replacement standards, recommend a cash payment to be deposited to the tree replacement fund to offset the cost of future tree planting on public property, or recommend that the application for permit and tree preservation plan be denied. Provided, however that no later than thirty (30) days after the final application for removal of the historic tree was received, the director of development services shall advise the applicant by certified mail, return requested, or hand delivery of his decision. The final application will be deemed approved if not acted upon by the director of planning before the expiration of the thirty-day time period herein established. Such action may be appealed pursuant to Section 35-489 of this Chapter.

Chapter 35, Article V, Sections 35-526(f)(2) and 35-526(f)(3) are amended as follows:

35-526 Parking & Loading Standards

(f) Sharing off Street parking facilities-Cooperative Parking Plan

(2) Application for approval of cooperative parking plan

An application for approval of a cooperative parking plan shall be filed with the Director of ~~Development Services~~ ~~Public Works~~ by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-Street parking facilities are required, the location of the off-Street parking facilities, and the schedule of times used by those sharing in common.

(3) Registration of cooperative parking plan

The application shall be reviewed and ~~approved or disapproved~~ ~~for approval or disapproval~~ by the Director of ~~Development Services~~ ~~Building Inspections and~~ ~~Director of Public Works~~. Upon approval, a copy of the plan shall be registered among the records of the Director of ~~Development Services~~ ~~Public Works~~ and shall thereafter be binding upon the applicants, their heirs, successors and assigns. The registration shall limit and control the issuance and validity of permits and certifications and shall restrict, limit, and control the use and operation of all land and structures included within such cooperative parking plan.

Chapter 35, Article V, Section 35-526(h) is amended as follows:

35-526 Parking & Loading Standards

(h) Minimum requirements

The minimum requirements for off-Street parking facilities in all zones other than the "D" Downtown District shall be governed by Table 526-3. The classification of uses enumerated in the table are general and are intended to include all similar uses. Where a classification of uses is not determined from the table, the Director of ~~Development Services~~ ~~Public Works~~, after consulting with the ~~Director of Planning~~ ~~directors of planning and building inspections~~, shall fix the classification. Provided, however, said minimum requirements may be reduced in accordance with the provisions of § 35-523(f)(2).

Where any requirement for five (5) or more parking spaces results in a fractional unit, a fraction of one-half (1/2) or more shall be considered a whole unit and a fraction less than one-half (1/2) shall be disregarded. In those cases in which less than five (5) spaces are required, a full parking space shall be required to fulfill a fractional space requirement.

Chapter 35, Article V, Section 35-527(f) is amended as follows:

35-527 Off-Street Truck Loading Requirements

(f) Combined facilities

Requirements for the provision of off-Street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces

for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Director of Development Services ~~director of public works~~, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, and to promote orderly development generally, the Director of Development Services ~~director of public works~~ is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of structures requiring such facilities within close proximity to one another in a given area in such manner as to obtain maximum efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

Chapter 35, Article V, Section 35-527(h) is amended as follows:

35-527 *Off-Street Truck Loading Requirements*

(h) *Waiver*

The Director of Development Services ~~Public Works~~ is authorized to waive the off-Street loading requirements for structures that are required to provide and maintain fewer than five (5) off-Street parking spaces, or any other structure if the design and the proposed use of the structure shows no need of off-street loading.

Chapter 35, Article VI, Sections 35-605(b)(1) and 35-605(b)(3) are amended as follows:

35-605 *Designation of Historic Districts*

(b) *Processing Applications for Designation of Historic Districts*

(1) *Initiation*

Any person, ~~the Zoning Commission, the Director,~~ the Historic Preservation Officer, the Historic and Design Review Commission, the Zoning Commission, the Director of Planning ~~Planning Director,~~ or the City Council may initiate an historic district designation by filing an application with the Historic Preservation Officer ~~Historic Preservation Officer~~. Requests for historic district designation must have the concurrence of the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district. Notwithstanding the foregoing, a request for historic district designation may be made by the City Council. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

(3) *Decision*

The Historic Preservation Officer shall forward the Application to the Historic and Design Review Commission for a hearing and initial recommendation. The Historic Preservation Officer ~~Historic Preservation Officer~~ shall notify all property owners within a proposed historic district boundary prior to the Historic and Design Review Commission hearing on the historic district designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the zoning commission within thirty (30) days from date of submittal of the designation request by the Historic Preservation Officer. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the zoning commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The Zoning Commission shall schedule a hearing on the Historic and Design Review Commission's recommendation to be held within forty-five (45) days of receipt of the Historic and Design Review Commission's recommendation and shall forward its recommendation to the City Council. The City Council shall schedule a hearing to be held within forty-five (45) days of its receipt of the Zoning Commission's recommendation. The City Council shall review and shall approve or deny the proposed historic district.

Chapter 35, Article VI, Sections 35-606(b)(1) and 35-606(b)(3) are amended as follows:

35-606 *Designation of Historic landmarks*

(b) *Designation of historic landmarks.*

(1) *Initiation*

Any person, the Historic and Design Review Commission, the Zoning Commission, the Director of Planning, the Historic Preservation Officer ~~Historic Preservation Officer~~, or the City Council may initiate an historic landmark designation by filing an application with the Historic Preservation Officer.

(3) *Decision*

The Historic Preservation Officer ~~Historic Preservation Officer~~ shall refer an application for historic landmark designation to the Historic and Design Review Commission. Property owners of proposed historic landmarks shall be notified by certified mail with return receipt requested prior to an Historic and Design Review Commission hearing for historic landmark designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the zoning commission within thirty (30) days from date of submittal of designation request by the Historic Preservation Officer ~~Historic Preservation Officer~~. The recommendation shall be made by a two-thirds (2/3) vote of the commission. Upon submittal of the Historic and Design Review Commission's recommendation, the proposed historic landmark designation shall be submitted to the zoning commission for its review and recommendations. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the zoning commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The zoning commission shall schedule a hearing on the Historic and Design Review Commission recommendation to be held within forty-five (45) days of receipt of such recommendation and

shall forward its recommendation to city council which shall schedule a hearing to be held within forty-five (45) days of council's receipt of such recommendation.

Chapter 35, Article VI, Section 35-612 is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-612 *Signs and Billboards*

(a) *General Provisions*

All signage within an historic district or on a designated historic landmark shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the director of planning. Signs should respect and respond to the historic character and period being preserved.

Chapter 35, Article VI, Section 35-645 is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-645 *Signs and Billboards*

(a) *General Provisions*

All non-regulatory signage on public property, on the public right-of-way, or overhanging the public right-of-way shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval and recommendation to the director of planning and notification of the Director of Development Services ~~building officials in the department of building inspections.~~

Chapter 35, Article VII, Section 35-711(b)(1) is amended as follows:

35-711 *Common law, statutory and consent agreement rights*

(b) *Criteria*

(1) *Common law vested rights.*

Common law vested rights shall be acknowledged by the Director of Planning after consultation with the City Attorney if the applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in subsection (2), below. A request for such an acknowledgement must include documents establishing the criteria listed below together with an application review fee in the amount of One Hundred Forty Five Dollars (\$145.00) to offset the City's costs. The Director of Planning may request additional relevant material prior to issuing the acknowledgement. The applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights.

Chapter 35, Article VII, Sections 35-712(a), 35-712(b), 35-712(d) and 35-712(g) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

**35-712 Recognition of Vested Rights Derived From Texas Local Government
Code Chapter 245**

(a) Purpose.

This section provides a methodology for the registration of permits, and permit applications, with the Department of Planning so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the "vested rights" as provided in Chapter 245 and § 43.002 of the Texas Local Government Code. The purpose for such registration and determination is to assist City Staff in their review of the applicability of Chapter 245 or § 43.002 to a particular project. This section shall not apply to a claim of right under common law, a federal or state statute, other than Chapter 245 or § 43.002, or the state or federal constitutions. Any claim of right made under some law or authority, other than Chapter 245 or § 43.002, should be made to the Director of Planning ~~director~~ in writing. The Director of Planning ~~director~~ shall advise the City Attorney of the claim who shall make a determination of the validity of the claim within 20 days of its receipt by the City. Additionally, as provided in subsection (g) of this section, this section shall not apply to the types of ordinances, or other governmental action, enumerated in VTCA Local Government Code § 245.004 or exempt from § 43.002.

(b) Vested rights recognition process

(1) Initiation

An application may be made to the director of planning for recognition of vested rights for a particular project by completion of a form provided by the planning department that indicates which permit or permits are being relied on by the applicant for establishment of vested rights. The applicant for vested rights recognition shall provide the planning department with a completed application together with a permit application review fee in the amount of one hundred ~~forty-five~~ ~~forty~~ ~~five~~ dollars (\$145.00) and two (2) copies of any documents on which the applicant is relying to establish vested rights.

(2) Review and Approval

After receiving an application for vested rights recognition, the planning department shall review the application and approve, deny or request additional information to be provided for consideration of the application within twenty (20) working days. Should the permit, which is the basis for vested rights recognition, have been issued by a governmental agency other than the City the planning department shall request the office of the City Attorney to determine whether the permit establishes rights under Chapter 245. In the event the planning department does not respond to an application for vested rights within twenty (20) working days, the application will be considered denied. Provided, however, the time period may be extended upon the written request of the applicant. Upon review of the application, if the planning department finds that the applicant has provided sufficient information to establish that one (1) or more permit(s) exists on a project, they shall issue a certificate to the applicant recognizing vested rights for the project.

The certificate recognizing vested rights shall be dated and signed by the individual reviewing the application. The planning director shall also review all certificates prior to issuance. The certificate shall also clearly indicate the term and conditions (indicated above) required for the continuance of the vested rights being recognized. In the event the planning department requests additional information for consideration of an application, the applicant shall be notified in writing within the required time period of specifically what information must be submitted in order to complete the review of the application. Should application be denied the planning department shall enumerate in writing any and all reasons for such denial, which shall be delivered to the applicant within the time period allowed for review.

(d) *Vested rights recognition process appeal*

In the event an applicant for recognition of vested rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the planning department staff to the planning commission by filing a request for appeal with the planning director within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. The application for appeal shall be made in writing and shall contain the applicant's rationale for requesting the appeal. The planning director shall place the appeal on the agenda of the planning commission and the planning commission shall hold a hearing on the appeal and make its ruling within ~~forty-five~~ forty-five (45) days from the date the request for appeal was filed. If the planning commission denies all or part of the relief requested in the appeal, the applicant may make a final appeal to the city council by filing a notice of final appeal in writing together with payment of ~~seventy-five~~ seventy-five dollars (\$75.00) to offset the city's costs with the office of the city clerk no later than the tenth (10) day following the party's receipt of the written decision of the planning commission from which the final appeal is brought. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the city council that ~~which~~ will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

(g) *Exemption from vested rights*

- (1) Determination by City Attorney: Should a question arises as to whether an Ordinance is exempted from Chapter 245 the Director of Planning shall request an opinion from the Office of the City Attorney.

Chapter 35, Article VIII, Sections 35-803(b), 35-803(e), 35-803(f), and 35-803(g) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-803 *Historic and Design Review Commission*

(b) *Duties and functions.*

The Commission ~~commission~~ shall serve to assist in an advisory capacity to the City of San Antonio Directors of Planning, Parks and Recreation, Development Services ~~Building Inspections~~, Code Compliance, Public Works, Arts and Cultural Affairs, and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the

city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

(e) Election of officers.

Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the director of planning who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election.

(f) Secretary.

The director of planning or his representative shall act as secretary of the commission and shall attend and keep minutes of all meetings, acting in an advisory capacity and participating fully in commission discussions but having no right to vote.

(g) Meetings of the commission.

The commission shall hold each regular meeting on the basis of not less than once each month, and more frequently if necessary, at a regularly scheduled time with advance notice posted according to the Texas Open Meetings Act. Additional special meetings may be called by the chairman, or upon written request to the planning director signed by a majority of the members, when a matter requires urgent consideration of the commission. All meetings of the commission shall be open to the public in accordance with the Texas Open Meetings Act. The place, day and/or hour of meetings may be changed by vote of the commission at any regular meeting. Notice of such action shall be provided in accordance with the Texas Open Meetings Act. Minutes of the commission's proceedings showing the vote shall be filed in the office of the city historic preservation officer and shall be a public record.

Chapter 35, Article VIII, Section 35-804 is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-804 City Historic Preservation Officer

The city historic preservation officer, through the director of planning, shall administer this article and shall advise the Historic and Design Review Commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The City Historic Preservation Officer shall have the following powers and duties:

* * * * *

Chapter 35, Article VIII, Section 35-805 is amended as follows:

35-805 Planning Department & Administration

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager

and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and Development Services ~~building inspections~~ shall ordinarily administer and enforce the provisions of this chapter. The Director of Development Services ~~Planning~~ shall serve as staff to the Planning Commission, Zoning Commission, and the City Council except where otherwise provided by this Chapter. The Director of Planning shall serve as a regular technical advisor to the Planning Commission.

Chapter 35, Appendix A, Index is amended as follows:

Appendix A: Definitions and Rules of Interpretation

Director of Development Services27

Director of Planning27

Director of Public Works27

Chapter 35, Appendix A, Section A101 is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

Building official

The Director of Development Services ~~director of building inspections~~ or his designee ~~designated representative~~.

Certificate of Appropriateness

The certificate issued upon the recommendation of the director of planning by the historic preservation officer after review and final approval of the various applications required herein which must be submitted to the historic and design review commission and for applications for ordinary maintenance and repair which do not require commission approval.

Director

The Director of Development Services or his designee.

Director of Building Inspections

The Director of Development Services or his designee

Director of Development Services

The Director of Development Services or his designee.

Director of Planning

Director of Planning or his designee.

***Director of Public Works* ~~public works~~**

The Director of Public Works ~~city director of public works~~ or his designee.

Manufactured home park plan

A complete and exact plan of the manufactured home park submitted to the planning commission for final approval and which, if approved, will be submitted to the Director of Planning ~~director of building inspections~~ for filing.

Trip Generation Summary

A table summarizing the trip generation characteristics of the development for the entire day and the a.m. and p.m. peak periods including the rates and units used to calculate the number of trips. Information on appropriate trip generation rates and procedures may be obtained by contacting the Development Services Department ~~Public Works Department~~. Institute of Transportation Engineers trip rates will be used unless a better source is identified and is acceptable to the Director of Development Services ~~Public Works~~ or his/her designee.

Chapter 35, Appendix B, Sections 35-B101(a), 35-B101(b), and Table are amended as follows:

35-B101 Specifications For Documents To Be Submitted

(a) Generally

The purpose of this Chapter is to streamline the development approval process by prescribing the information necessary for complete review of an Application for Development Approval. No Application for Development Approval shall be considered complete, and the applicable Director or any other agency or official of the City shall not process any Application for Development Approval, unless all of the information prescribed therefore in this Appendix is included. The applicable Director or any other agency or official of the City shall not delay the processing of any Application for Development Approval if it contains the information prescribed by this Appendix.

(b) Forms

The applicable Director shall promulgate necessary forms for the administration, interpretation and enforcement of this Chapter. The applicable Director shall maintain such forms at the offices of the Department of Development Services ~~Planning Department~~. The forms shall require the information set forth in this Appendix for any Application for Development Approval.

TABLE B101-1 B-1						
A	B	C	D	E	F	G
(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT

TABLE B101-1 B-1						
A	B	C	D	E	F	G
(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
C. APPROVALS						
(1)	Signature blocks prepared for the dated signatures of the Chairperson and Secretary (Director of Development Services Planning Director or assignee) of the authorized approval entity.	*	*	*	*	*

Chapter 35, Appendix B, Section 35-B108(a) is amended as follows:

35-B106 Flood Plain Development Permit

(d) Certification

The floodplain development permit application shall be submitted to the director of public works through the Director of Development Services and signed and sealed by a registered professional engineer.

Chapter 35, Appendix B, Section 35-B108(a) is amended as follows:

35-B108 Manufactured Home Park Plans

(a) Number of Copies

The applicant shall submit to the director of planning an application, plan review fee, processing and final blue or black-line folded copies of the plan, and a legible 8 ½" X 11" reduced copy accompanied with the plan review fee. The Director of Planning may require the applicant to submit up to seven (7) processing and fifteen (15) final blue or black-line folded copies. Request for reviews to respective reviewing department or agencies shall be attached to the processing copies. In addition to the hard copies, information shall be submitted in a Digital Data format as out lined in 35-B101.

Chapter 35, Appendix B, Section 35-B109(a) is amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-B109 Master Development Plan

(a) Number of Copies

The applicant shall submit to the director of planning an application, plan review fee, processing and final blue or black-line folded prints of the plan, and a legible 8 ½" X 11" reduced copy. The Director of Planning may require the applicant to submit up to ten (10) processing and five (5) final blue or black-line folded prints of the plan. Requests for review to respective departments or agencies shall be attached to the processing copies. In addition to the hard copies, information shall be submitted in a Digital Data format as out lined in 35-B101.

Chapter 35, Appendix B, Section 35-B113(a) and Section 35-B113(b) are amended as follows, save and except provisions regarding the Director of Planning/Planning Department:

35-B113 *Planned Unit Development (PUD) Plans*

(a) *Number of Copies*

The Director of Planning may require the applicant to submit seven (7) processing copies and fifteen (15) final blue or black-line folded prints with respective department / agency request for reviews attached, a legible 8 ½ " X 11" reduced copy of the plan proposal accompanied with the plan review fee... In addition to the hard copies, information shall be submitted in a Digital Data format as out-lined in 35-B101(e).

(b) *Format*

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by the Director of Planning. Where more than one sheet is necessary to accommodate the entire project site, an index sheet showing the entire area at an appropriate scale shall be attached.

Chapter 35, Appendix B, Section 35-B117(g) is amended as follows:

35-B117 *Rezoning*

- (g) A dimensioned map of the property referred to in the application and all streets street, lots, parcels of land within 200 feet of said property, based upon information provided by the Development Services Planning Department.

Chapter 35, Appendix B, Section 35-B119 is amended as follows:

35-B119 *Stormwater Management Plan*

(a) *Number of Copies*

The Applicant shall provide two (2) blue-line or black-line copies of the plat together with two (2) copies of construction drawings.

(b) *Format*

Plats shall be drawn in India ink on mylar on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred (100) feet to one (1) inch unless a smaller scale is approved by the Director of Development Services Planning. Plats which include one-half (1/2) acre or less in area shall be drawn at a scale of fifty (50) feet to one (1) inch.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(c) Contents

To standardize the review process and minimize the time for approval by the city during review of the plat and construction drawings for a subdivision, a complete submittal regarding the analysis of existing drainage conditions and the design of modifications or new drainage facilities is necessary. The owner of the property to be developed is required by the director of public works to provide, at the owners expense and as a condition of construction plan approval, a stormwater management report for the total development area to be ultimately constructed. The stormwater management report shall contain all of the necessary support data, methodologies used in calculations, and conclusions. A checklist is below that will be used by the city reviewer as a guide during the evaluation of all stormwater management reports submitted to the city. The purpose of the checklist is to expedite the review process for both the engineer and the city, and to aid the engineer in the preparation of reports for the city's review. The stormwater management report shall be submitted to the director of public works through the Director of Development Services prior to approval of any construction plans.

(d) Report

The stormwater management plan shall include two (2) copies of a written report that ~~which~~ includes the following information, as applicable:

* * * * *

(e) Certification

* * * * *

Chapter 35, Appendix B, Sections 35-B120(a), 35-B120(b), and 35-B120(c)(4) are amended as follows:

35-B120 Street, Alley, and Cross Walkway Plans

(a) Number of Copies

The Applicant shall provide three (3) sets of construction plans ~~inches~~ and two (2) sets of the pavement design report.

(b) Format

Construction Plans shall be twenty-four ~~between twenty-four~~ by thirty-six (24 x 36) inches, with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Construction plans shall be drawn at a scale of one (1) inch equal to fifty (50) feet.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(c) Contents

The plans and profiles for street, alley, cross walkway and drainage easement improvements submitted shall include the following information:

* * * * *

- (4) Scale, north arrow, date and plat number of the associated plat. Plans and profiles shall be drawn to scales of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, unless different scales are approved by the Director of Development Services ~~director of public works~~.

Chapter 35, Appendix B, Section 35-B121(f)(6), 35-B121(f)(9) and 35-B121(f)(10) are amended as follows:

35-B121 Subdivison Plat Applications

(6) Form F: Performance Agreement

I, _____ as _____ do hereby agree that if the proposed plat _____ (number and name) _____, filed by me is approved by the planning commission of the City of San Antonio, Texas, the Director of Development Services ~~director of planning~~ of the city may retain the plat in his possession without recording same for a maximum period of three (3) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the City of San Antonio, or until I have filed with the city clerk of the City of San Antonio one of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval. The form of the guarantee of performance shall be as follows:

(1) A performance bond, meeting the requirements set out in Chapter 35 of the City Code, and which will be substantially in the form set out in Exhibit B of Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services ~~public works~~, of the uncompleted and unaccepted site improvements.

(2) A trust agreement, meeting the requirements set out in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services ~~public works~~, of the uncompleted and unaccepted site improvements.

(3) Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the Director of Development Services ~~director of planning~~.

(4) An irrevocable letter of credit, meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services ~~public works~~, of the uncompleted and unaccepted site improvements.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as _____ or any part thereof, shall be liable to the City of San Antonio that all site improvements will be completed and, except for planned residential district bufferyards and public benefit features, accepted by the city within the time provided herein. However, should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Development Services ~~public works~~. It is expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the Director of Development Services ~~public works~~ at the end of each period of such delay.

I further fully understand and agree that, at the end of each one-year period until the expiration of three (3) years from the date of plat approval, the Director of Development Services ~~public works~~ shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any existing performance guarantee. Should the Director of Development Services ~~director of public~~

works conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the Director of Development Services director of ~~public works~~ within thirty (30) days of the request for same, I understand and agree that the Director of Development Services ~~director of public works~~ shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have a principal or subsidiary interest. Such a plat once it has been approved by the planning commission may be recorded only in the manner prescribed in §35-432 of Chapter 35 of the City Code.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the Director of Development Services ~~director of public works~~ shall refuse to accept a performance guarantee, under any form, which is related to the plat of a subdivision in which I have a principal or subsidiary interest.

In any event, I agree that approval of the plat shall expire after three (3) years from date of approval unless I have either completed all site improvements and have had same accepted by the city or provided an appropriate performance guarantee.

Executed this _____ day of _____, _____.

Subdivider

By: _____

Title: _____

* * * * *

(9) Form J: Trust Agreement

* * * * *

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements, and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees shall provide the Director of Development Services ~~director of public works~~ with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. The affidavit shall be submitted substantially in the following form:

Affidavit

State of Texas }

County of Bexar }

Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared _____, who, being by me first duly sworn upon his oath deposes and says:

I, _____, subdivider of the _____, under date(s) of _____, _____, withdrew the sum(s) of \$_____ from the trust account heretofore deposited with _____, trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to _____ subdivision as follows:

Subdivisions

Site Improvement	Amount	Percentage of Completion
_____ \$ _____	_____ \$ _____	_____ %

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, _____, _____.

Notary Public in and for
The State of Texas

Until this affidavit is accomplished, no further withdrawals shall be made from the trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefor from the Director of Development Services ~~director of public works~~ to do so.

Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.

Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the City of San Antonio for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the city manager or his duly authorized representative, it is hereby understood that payment to the city shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

(10) Form K: Irrevocable Letter of Credit

To: City of San Antonio
City Hall Date: _____
P.O. Box 839966
San Antonio, Texas
78283-3966 Amount: _____

Gentleman/Ladies:

At the request of _____ (subdivider) _____, and for the account of _____ (name of company/corporation) _____, we hereby open in favor of the City of San Antonio our irrevocable letter of credit for sum or sums not exceeding \$ _____ dollars available by your demand on us and documents specified below:

A signed statement by the Director of Development Services ~~director of public works~~ certifying that the funds drawn under this letter of credit are needed to pay for the completion of all or any of the following improvements:

Chapter 35, Appendix B, Section 35-B121(g) is amended as follows:

35-B121 Subdivison Plat Applications

(g) Neighborhood delivery and collection box units.

The subdivider shall coordinate with the United States Postal Service for the location and placement of neighborhood delivery and collection box units by the postal service in accordance with the agreement between the city and the postal service. A copy of this agreement is on file with the Director of Development Services ~~director of public works~~.

The location of the neighborhood delivery and collection box units shall be shown on the utility layout and approved by the reviewing agencies/departments prior to plat approval.

Chapter 35, Appendix B, Section 35-B122(a)(6)B is amended as follows:

35-B122 *Traffic Impact Analysis*

(a) *Level 2 and 3 TIA Format*

(6) *Capacity Analysis (the applicant shall provide analysis sheets in appendices)*

- B. Capacity analysis will follow the principles established in the latest edition of the Transportation Research Board's Highway Capacity Manual (HCM), unless otherwise directed by the Director of Development Services ~~Public Works~~. Capacity will be reported in quantitative terms as expressed in the HCM and in terms of traffic Level of Service.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Planning Department or Department of Planning to Department of Development Services throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 1 above.

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Planning Director or Director of Planning to Director of Development Services throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 1 above.

SECTION 4. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Building Official or Director of Building Inspections to Director of Development Services throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 1 above.

SECTION 5. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services by changing the term Building Department or Building Inspections Department to Department of Development Services throughout the Chapter, provided however, this Section shall not change any provision of Chapter 35 contained in Section 1 above.

SECTION 6. Chapter 35 of the City Code of San Antonio, Texas is hereby amended to reflect the reorganization of City Departments to establish a "One Stop" Center for Development Services provided by the City by changing the font to title case for all boards and commissions, departments, titles of Department heads, and the term Director throughout the Chapter. This section applies to all the provisions of Chapter 35 including those contained in Section 1 above.

SECTION 7. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 8. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid

or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 9. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

SECTION 10. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

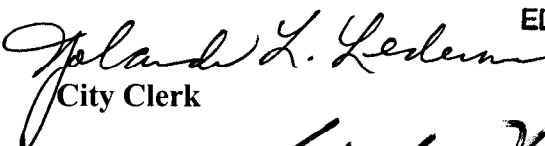
SECTION 11. This ordinance shall become effective January 18, 2004.

PASSED AND APPROVED this 8th day of January, 2004.




M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney